

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**TERESA JOHNSON and
CHARLES JOHNSON**

Plaintiffs,

v.

C.R. BARD, INC., ET AL.

Defendants.

MDL 2187

NO. 2:13-cv-10009

APPROVED and SO ORDERED.

ENTER: 01/31/2019


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE
AND PLAINTIFFS' MOTION TO TRANSFER MDLS**

IT IS HEREBY STIPULATED AND AGREED, by and through their undersigned counsel, that the claims of Plaintiffs against Defendant C.R. Bard, Inc. only shall be dismissed without prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, each party to bear its own costs and fees.¹ In the event plaintiffs elect to refile a lawsuit against C.R. Bard, Inc. or any related entities, such case shall only be filed in a federal district court of proper venue and jurisdiction.

Other Defendants, including Ethicon, Inc., remain in this action, and Plaintiffs will continue to prosecute this action against them. To that end, an Amended Short Form Complaint will be filed against the remaining defendants.

Further, Plaintiffs move to transfer this action from MDL 2187, In re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation to: MDL 2327. Plaintiffs herein filed a

¹ The parties jointly stipulate to dismiss C.R. Bard, Inc. without prejudice and terminate it from the Court's docket in these matter; the signature for Bard on this motion relates only to the joint stipulation. The motion to transfer is made only by the plaintiffs.

Complaint or Short Form Complaint in MDL 2187 against C.R. Bard, Inc., and others. Within fourteen (14) days of the filing of this *motion*, Plaintiffs will file an Amended Short Form Complaint that no longer includes Bard as a named defendant.

Because Bard is no longer a named defendant in this case, Plaintiffs respectfully request that the Court: 1) GRANT the Plaintiffs' motion to transfer this action from MDL 2187 to MDL 2327; and 2) direct the Clerk to disassociate this civil action as a member case in MDL 2187 and re-associate it with MDL 2327.

Respectfully:

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Dated: November 29, 2018